



13281 U.S. PTO

PTO/SB/05 (01-04)

Approved for use through 07/31/2006. OMB 0651-0032

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UTILITY  
PATENT APPLICATION  
TRANSMITTAL

(Only for new nonprovisional applications under 37 CFR 1.53(b))

|                        |   |
|------------------------|---|
| Attorney Docket No.    | 2039.0010001                              |
| First Inventor         | Najib BABUL                               |
| Title                  | Methods Of Treating Pain And Compositions |
| Express Mail Label No. |   |

## APPLICATION ELEMENTS

See MPEP chapter 600 concerning utility patent application contents.

## ADDRESS TO:

Mail Stop Patent Application  
Commissioner for Patents  
P.O. Box 1450  
Alexandria VA 22313-1450

1. ☒ Fee Transmittal Form (e.g., PTO/SB/17)  
(Submit an original and a duplicate for fee processing)
2. ☒ Applicant claims small entity status.  
See 37 CFR 1.27.
3. ☒ Specification [Total Pages 53]  
(preferred arrangement set forth below)
- Descriptive title of the invention
  - Cross Reference to Related Applications
  - Statement Regarding Fed sponsored R & D
  - Reference to sequence listing, a table, or a computer program listing appendix
  - Background of the Invention
  - Brief Summary of the Invention
  - Brief Description of the Drawings (if filed)
  - Detailed Description
  - Claim(s)
  - Abstract of the Disclosure
4. ☒ Drawing(s) (35 U.S.C. 113) [Total Sheets 3]
5. Oath or Declaration [Total Sheets 2]
- a. ☒ Newly executed (original or copy)
- b. ☐ Copy from a prior application (37 CFR 1.63(d))  
(for continuation/divisional with Box 18 completed)
- i. ☐ **DELETION OF INVENTOR(S)**  
Signed statement attached deleting inventor(s)  
name in the prior application, see 37 CFR 1.63(d)(2) and 1.33(b).
6. ☒ Application Data Sheet. See 37 CFR 1.76

7. ☐ CD-ROM or CD-R in duplicate, large table or Computer Program (Appendix)
8. Nucleotide and/or Amino Acid Sequence Submission (if applicable, all necessary)
- a. ☐ Computer Readable Form (CRF)
- b. Specification Sequence Listing on:
- i. ☐ CD-ROM or CD-R (2 copies); or
- ii. ☐ Paper
- c. ☐ Statements verifying identity of above copies

## ACCOMPANYING APPLICATION PARTS

9. ☒ Assignment Papers (cover sheet & document(s))
10. ☒ 37 CFR 3.73(b) Statement ☒ Power of Attorney  
(when there is an assignee)
11. ☐ English Translation Document (if applicable)
12. ☐ Information Disclosure Statement (IDS)/PTO-1449 ☐ Copies of IDS Citations
13. ☐ Preliminary Amendment
14. ☒ Return Receipt Postcard (MPEP 503)  
(Should be specifically itemized)
15. ☐ Certified Copy of Priority Document(s)  
(if foreign priority is claimed)
16. ☐ Nonpublication Request under 35 U.S.C. 122 (b)(2)(B)(i). Applicant must attach form PTO/SB/35 or its equivalent.
17. ☒ Other: Authorization under 37CFR 1.136(a)(3)  
The name of the assignee is: TheraQuest.Biosciences.LLC

18. If a CONTINUING APPLICATION, check appropriate box, and supply the requisite information below and in the first sentence of the specification following the title, or in an Application Data Sheet under 37 CFR 1.76:

☐ Continuation ☐ Divisional ☐ Continuation-in-part (CIP) of prior application No.: .....

Prior application information:

Examiner

Art Unit:

For CONTINUATION OF DIVISIONAL APPS only; The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5b, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

## 19. CORRESPONDENCE ADDRESS

☒ Customer Number: 26111 OR ☐ Correspondence address below

|         |           |          |  |
|---------|-----------|----------|--|
| Name    |           |          |  |
| Address |           |          |  |
| City    | State     | Zip Code |  |
| Country | Telephone | Fax      |  |

John M. Covert

|                   |                 |                                   |                    |
|-------------------|-----------------|-----------------------------------|--------------------|
| Name (Print/Type) | Matthew J. Dowd | Registration No. (Attorney/Agent) | 47,534             |
| Signature         | John M. Covert  | Reg No 38, 759                    | Date Apr. 15, 2004 |

This collection of information is required by 37 CFR 1.53(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Patent Application, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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13281  
USPTO

PTO/SB/17 (10-03)

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U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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# FEE TRANSMITTAL for FY 2004

Effective 10/01/2003. Patent fees are subject to annual revision.

☒ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$) 605.00

**Complete if Known**

|                      |                           |
|----------------------|---------------------------|
| Application Number   | To Be Assigned            |
| Filing Date          | Herewith (April 15, 2004) |
| First Named Inventor | Najib BABUL               |
| Examiner Name        | To Be Assigned            |
| Art Unit             | To Be Assigned            |
| Attorney Docket No.  | 2039.0010001              |

**METHOD OF PAYMENT (check all that apply)**☐ Check ☒ Credit card ☐ Money Order ☒ Other\*\* ☐ None☐ \*\*Charge any deficiencies or credit any overpayments in Deposit Account: the fees to Deposit Acct. No. 19-0036Deposit Account Number  
Deposit Account Name

19-0036

Sterne Kessler, Goldstein &amp; Fox P.L.L.C.

The Director is authorized to: (check all that apply)

☐ Charge fee(s) indicated below ☐ Credit any overpayments☐ Charge any additional fee(s) or any underpayment of fee(s)☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.**FEE CALCULATION****1. BASIC FILING FEE**

| Large Entity  |          | Small Entity  |          | Fee Description        | Fee Paid |
|---------------|----------|---------------|----------|------------------------|----------|
| Fee Code (\$) | Fee (\$) | Fee Code (\$) | Fee (\$) |                        |          |
| 1001          | 770      | 2001          | 385      | Utility filing fee     | 385.00   |
| 1002          | 340      | 2002          | 170      | Design filing fee      |          |
| 1003          | 530      | 2003          | 265      | Plant filing fee       |          |
| 1004          | 770      | 2004          | 385      | Reissue filing fee     |          |
| 1005          | 160      | 2005          | 80       | Provisional filing fee |          |
| SUBTOTAL (1)  |          |               |          |                        | (\$)     |

**2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE**

| Total Claims       |      | Extra Claims |    | Fee from below |      | Fee Paid |        |
|--------------------|------|--------------|----|----------------|------|----------|--------|
|                    |      |              |    |                |      |          |        |
| 40                 | - 20 | **=          | 20 | X              | 9.00 | =        | 180.00 |
| 2                  | - 3  | **=          | 0  | X              |      | =        |        |
| Multiple Dependent |      |              |    |                |      |          |        |

| Large Entity  |          | Small Entity  |          | Fee Description  |
|---------------|----------|---------------|----------|--|
| Fee Code (\$) | Fee (\$) | Fee Code (\$) | Fee (\$) |  |
| 1202          | 18       | 2202          | 9        | Claims in excess of 20                                     |
| 1201          | 86       | 2201          | 43       | Independent claims in excess of 3                          |
| 1203          | 290      | 2203          | 145      | Multiple dependent claim, if not paid                      |
| 1204          | 86       | 2204          | 43       | ** Reissue independent claims over original patent         |
| 1205          | 18       | 2205          | 9        | ** Reissue claims in excess of 20 and over original patent |

SUBTOTAL (2) (\$)

\*\*or number previously paid, if greater; For Reissues, see above

**FEE CALCULATION (continued)****3. ADDITIONAL FEES**

| Large Entity                      |          | Small Entity  |          | Fee Description  | Fee Paid |
|-----------------------------------|----------|---------------|----------|--|----------|
| Fee Code (\$)                     | Fee (\$) | Fee Code (\$) | Fee (\$) |  |          |
| 1051                              | 130      | 2051          | 65       | Surcharge - late filing fee or oath  |          |
| 1052                              | 50       | 2052          | 25       | Surcharge - late provisional filing fee or cover sheet                     |          |
| 1053                              | 130      | 1053          | 130      | Non-English specification  |          |
| 1812                              | 2,520    | 1812          | 2,520    | For filing a request for ex parte reexamination                            |          |
| 1804                              | 920*     | 1804          | 920*     | Requesting publication of SIR prior to Examiner action                     |          |
| 1805                              | 1,840*   | 1805          | 1,840*   | Requesting publication of SIR after Examiner action                        |          |
| 1251                              | 110      | 2251          | 55       | Extension for reply within first month                                     |          |
| 1252                              | 420      | 2252          | 210      | Extension for reply within second month                                    |          |
| 1253                              | 950      | 2253          | 475      | Extension for reply within third month                                     |          |
| 1254                              | 1,480    | 2254          | 740      | Extension for reply within fourth month                                    |          |
| 1255                              | 2,010    | 2255          | 1,005    | Extension for reply within fifth month                                     |          |
| 1401                              | 330      | 2401          | 165      | Notice of Appeal   |          |
| 1402                              | 330      | 2402          | 165      | Filing a brief in support of an appeal                                     |          |
| 1403                              | 290      | 2403          | 145      | Request for oral hearing   |          |
| 1451                              | 1,510    | 1451          | 1,510    | Petition to institute a public use proceeding                              |          |
| 1452                              | 110      | 2452          | 55       | Petition to revive - unavoidable   |          |
| 1453                              | 1,330    | 2453          | 665      | Petition to revive - unintentional   |          |
| 1501                              | 1,330    | 2501          | 665      | Utility issue fee (or reissue)   |          |
| 1502                              | 480      | 2502          | 240      | Design issue fee   |          |
| 1503                              | 640      | 2503          | 320      | Plant issue fee  |          |
| 1460                              | 130      | 1460          | 130      | Petitions to the Commissioner  |          |
| 1807                              | 50       | 1807          | 50       | Processing fee under 37 CFR 1.17(q)  |          |
| 1806                              | 180      | 1806          | 180      | Submission of Information Disclosure Stmt                                  |          |
| 8021                              | 40       | 8021          | 40       | Recording each patent assignment per property (times number of properties) | 40.00    |
| 1809                              | 770      | 2809          | 385      | Filing a submission after final rejection (37 CFR 1.129(a))                |          |
| 1810                              | 770      | 2810          | 385      | For each additional invention to be examined (37 CFR 1.129(b))             |          |
| 1801                              | 770      | 2801          | 385      | Request for Continued Examination (RCE)                                    |          |
| 1802                              | 900      | 1802          | 900      | Request for expedited examination of a design application                  |          |
| Other fee (specify)               |          |               |          |  |          |
| *Reduced by Basic Filing Fee Paid |          |               |          |  |          |
| SUBTOTAL (3)                      |          |               |          |  | (\$)     |

40.00

**SUBMITTED BY**

John M. Coverd for

(Complete if applicable)

Name (Print/Type)

Matthew J. Dowd

Registration No.  
(Attorney/Agent)

47,534

Telephone

(202) 371-2600

Signature

John M. Coverd Reg No 38,259

Date

Apr. 15, 2004

**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS.

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252003

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Najib BABUL

Appl. No.: *To Be Assigned*

Filed: April 15, 2004

For: **Methods of Treating Pain and  
Compositions for Use Therefor**

Confirmation No.: *To Be Assigned*

Art Unit: *To Be Assigned*

Examiner: *To Be Assigned*

Atty. Docket: 2039.0010001

**Authorization to Treat a Reply as Incorporating an  
Extension of Time Under 37 C.F.R. § 1.136(a)(3)**

Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450

Sir:

The U.S. Patent and Trademark Office is hereby authorized to treat any concurrent or future reply that requires a petition for an extension of time under this paragraph for its timely submission, as incorporating a petition for extension of time for the appropriate length of time. The U.S. Patent and Trademark Office is hereby authorized to charge all required extension of time fees to our Deposit Account No. 19-0036, if such fees are not otherwise provided for in such reply.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.

*John M. Dowd*  
Matthew J. Dowd  
Agent for Applicant  
Registration No. 47,534  
*Reg No. 38,759*

Date: April 15, 2004

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252046\_1.DOC



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\*Admitted only in Maryland  
\*Admitted only in Virginia  
\*Practice Limited to  
Federal Agencies

April 15, 2004

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Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450

**Mail Stop Patent Application**

Re: U.S. Non-Provisional Utility Patent Application under 37 C.F.R. § 1.53(b)  
Appl. No. *To Be Assigned*; Filed: *Herewith* (April 15, 2004)  
For: **Methods of Treating Pain and Compositions for Use Therefor**  
Inventor: **Najib BABUL**  
Our Ref: 2039.0010001

Sir:

The following documents are forwarded herewith for appropriate action by the U.S. Patent and Trademark Office:

1. PTO Fee Transmittal (Form PTO/SB/17);
2. Authorization to Treat a Reply As Incorporating An Extension of Time Under 37 C.F.R. § 1.136(a)(3);
3. PTO Utility Patent Application Transmittal (Form PTO/SB/05);
4. U.S. Utility Patent Application entitled:

**Methods of Treating Pain and Compositions for Use Therefor**

and naming as inventor:

**Najib BABUL**

the application consisting of:

- a. An Application Data Sheet (37 C.F.R. § 1.76) (2 pages);
  - b. An original executed Declaration (2 pages);
  - c. A specification containing:
    - i. 47 pages of description prior to the claims;
    - ii. 5 pages of claims (40 claims);
    - iii. a one (1) page abstract;
  - d. 3 sheets of drawings (Figures 1-5); and
5. Recordation Form Cover Sheet;
  6. An original executed Assignment to TheraQuest Biosciences, LLC, recordation of which is hereby respectfully requested (2 pages);
  7. An original executed Power of Attorney from Assignee;
  8. A Statement under 37 C.F.R. § 3.73(b) from Assignee with a copy of the Assignment attached;
  9. Credit Card Payment Form (PTO-2038) for \$605.00 to cover:
    - \$385.00 Patent Application fee;
    - \$180.00 Excess claims fee;
    - \$ 40.00 Assignment Recordation fee; and
  10. Two (2) return postcards.

Commissioner for Patents  
April 15, 2004  
Page 3

It is respectfully requested that, of the two attached postcards, one be stamped with the filing date of these documents and returned to our courier, and the other, prepaid postcard, be stamped with the filing date and unofficial application number and returned as soon as possible. The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 19-0036.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.

*for John M. Dowd Reg No 38,759*  
Matthew J. Dowd  
Agent for Applicant  
Registration No. 47,534

MJD/rjv  
Enclosures

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